

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DUNCAN J. McNEIL,

Plaintiff,

vs.

UNITED STATES, et al.,

Defendants.

No. CV-05-413-AAM

ORDER OF DISMISSAL

This action was transferred here from the Western District of Texas. It is largely identical to other actions which have been filed in other districts in an effort to circumvent the undersigned's pre-filing review order and a subsequent order barring plaintiff from proceeding *in forma pauperis* on any matter. It is also largely identical to a previous action which was also filed in the Western District of Texas, transferred here (05-263-AAM), and subsequently dismissed. For reasons already set forth in the orders of dismissal entered in those other actions (Ct. Rec. 5 in CV-05-200-AAM; Ct. Rec. 8 in 05-211-AAM; Ct. Rec. 6 in 05-218-AAM; Ct. Rec. 13 in 05-249-AAM; Ct. Rec. 6 in 05-263-AAM; Ct. Rec. 8 in 05-281-AAM; Ct. Rec. 6 in 05-291-AAM; Ct. Rec. 8 in 05-295-AAM; and Ct. Rec. 12 in 05-304-AAM), this action is also **DISMISSED with prejudice**.

Plaintiff shall not be allowed to file any further documents in the captioned matter, with the exception of a Notice of Appeal to the Ninth Circuit Court of Appeals. If plaintiff chooses to

1 appeal, this order serves as this court's notice that the appeal is not taken in good faith and will
2 not be certified for appeal by this court. 28 U.S.C. §1915(3) and Fed. R. App. P. 24(a). The
3 effect of this is that this court will not allow plaintiff to proceed *in forma pauperis* on appeal, nor
4 appoint him counsel on appeal.

5 **IT IS SO ORDERED.** The District Executive shall enter judgment accordingly and
6 forward a copy of the judgment and this order to plaintiff McNeil, and CLOSE the file.

7 **DATED** this 6th of January, 2006.

8
9 s/ Alan A. McDonald
10 ALAN A. McDONALD
11 Senior United States District Judge
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